DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/31/2008 has been entered. Claims 1, 3-5, 11, 16-17, 22 and 26 are amended. Claims 27-30 are new. Claims 1 and 3-30 are currently pending.

2. Amendment received on 05/29/2007 was entered into record. Claims 1, 3, 9-11, 15-16 and 26 were amended. Claim 2 was cancelled.

3. Amendment received on 05/08/2006 was entered into record. Claims 1, 3, 16 and 26 were amended.

Priority

4. This application is a 371 of PCT/US00/07001 filed on 03/17/2000 which claims the benefit of 60/125,451 filed on 03/19/1999. The filing date is 03/05/2002.

Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

6. The application has been amended against applicant submitted claim set dated 01/31/2008 as follows (only examiner amended claims are shown):

IN THE CLAIMS

1. (Amended) A pedestrian traffic indexing system comprising:

a plurality of traffic monitors at a plurality of ~~information~~ provider sites~~, including a user's site~~;

a server connected to said traffic monitors to receive pedestrian traffic data from said traffic monitors, the pedestrian traffic data comprising pedestrian traffic data from the ~~information~~ provider sites ~~including the user's site~~;

a traffic database for storing said pedestrian traffic data;

~~at least one~~ a database for storing non-traffic business related data ~~including a user's non-traffic business related data~~ wherein the non-traffic business related data comprises census demographics data, sales data, site profiles associated with the provider sites, and corporate profiles including labor data;

a view creator for generating national retail traffic index data by processing data stored in the traffic database and the ~~at least one~~ database for storing non-traffic related data, wherein the national retail traffic index data includes a plurality of calculated indexes related to the provider sites, the indexes calculated using a plurality of metrics with each metric related to the plurality of provider sites and based upon both the pedestrian traffic data and the non-traffic business related data;

a national retail traffic index data mart for storing the national retail traffic index data; and

a data communications connection for transferring data among the traffic database, the at least one database for storing non-traffic related data, the view creator, the national retail traffic

index database and the server wherein a user can access the national retail traffic index data mart via the data communications connection to access the national retail traffic index data ~~and wherein the national retail traffic index data can be compared with data from the user's site~~.

3. (Amended) A method for indexing pedestrian traffic comprising:

electronically collecting pedestrian traffic data from a plurality of traffic monitoring points ~~including a user's location~~;

storing the pedestrian traffic data in a traffic database;

storing non-traffic business related data including non-traffic business related data for a user in at least one database for storing non-traffic business related data wherein the non-traffic business related data comprises census demographics data, sales data, site profiles associated with the provider sites, corporate profiles including labor data;

generating national retail traffic index data by processing data stored in the traffic database and the at least one database for storing non-traffic business related data, wherein the traffic index data includes a plurality of calculated indexes related to the traffic monitoring points, the calculated indexes determined by incorporating mathematical algorithms which utilize both the pedestrian traffic data and the non-traffic related data; and

storing the national retail traffic index data in a national retail traffic index data mart to allow the user access thereby providing the ability to analyze the national retail traffic index data in light of pedestrian traffic data from the monitoring points ~~user's location~~ and non-traffic business related data ~~for the user~~.

4. (Amended) The pedestrian traffic indexing system from claim 1, wherein the at least one database for storing non-traffic business related data comprises:

a demographics database for storing the census demographics data;

a profiles database for storing the site profiles data and the corporate profiles data, wherein the site profiles are associated to the plurality of provider sites, and wherein the corporate profiles are associated to a plurality of corporations; and

a customer database for storing the sales data.

5. (Amended) The method for indexing pedestrian traffic from claim 3, wherein the step of storing non-traffic business related data in at least one database for storing non-traffic business related data comprises:

providing a demographics database for storing the census demographics data;

providing a profiles database for storing the site profiles data and the corporate profiles data, wherein the site profiles are associated to the plurality of provider sites, and wherein the corporate profiles are associated to a plurality of corporations; and

providing a customer database for storing the sales data.

7. (Amended) The method for indexing pedestrian traffic from claim 5,

wherein the labor data is stored in the corporate profiles; and

wherein the step of generating the national retail traffic index data further comprises processing the sales data in the customer database, the labor data in the profiles data and the pedestrian traffic data in the traffic database.

16. (Amended) A system for monitoring pedestrian traffic at a plurality of predetermined locations and generating a retail traffic index, comprising:

a plurality of traffic monitors located at a plurality of specified locations, each traffic monitor for monitoring the flow of pedestrian traffic at the related specified location;

a server connected to the plurality of traffic monitors for receiving and managing pedestrian traffic data;

a pedestrian traffic database cooperating with the server to store the pedestrian traffic data;

at least one non-traffic database cooperating with the server for storing non-traffic business related data wherein the non-traffic business related data comprises census demographics data, site profiles data associated with the provider sites, corporate profile data including labor data, and sales data;

a data mart accessible by a user for accommodating a request from the user for national retail traffic index data, wherein the data mart includes a plurality of predetermined user selectable parameters and the request includes a set of user selected parameters; and

a processor for generating requested national retail traffic index data, wherein the national retail traffic index data is calculated by the processor according to a plurality of mathematical algorithms which incorporate the data stored in the pedestrian traffic database and the at least one non-traffic database according to the user selected parameters wherein the user selected parameters include the identification of at least one specified location.

17. (Amended) The pedestrian traffic indexing system from claim 16, wherein the at least one database for storing non-traffic business related data comprises:

a demographics database for storing the census demographics data;

a profiles database for storing the site profiles data and the corporate profiles data, wherein the site profiles are associated to the plurality of provider sites, and wherein the corporate profiles are associated to a plurality of corporations; and

a customer database for storing the sales data.

18. (Amended) The pedestrian traffic indexing system from claim 17,

wherein the labor data is stored in the corporate profiles data; and

wherein the view creator further generates national retail traffic index data by processing the sales data in the customer database, the labor data in the profiles data and the pedestrian traffic data in the traffic database.

27. (Amended) The system of claim 6 wherein the national retail traffic index data includes a calculation of average pedestrian traffic over a selected time period, and for a selected ~~information~~ provider type.

28. (Amended) The system of claim 6 wherein the national retail traffic index data includes a calculation of peak pedestrian traffic over a selected time period for a selected ~~information~~ provider type.

29. (Amended) The system of claim 27 wherein the data mart allows for a comparison of the average pedestrian traffic for the selected ~~information~~ provider type with an average pedestrian traffic for the user's site.

30. (Amended) The system of claim 28 wherein the data mart allows for a comparison of peak pedestrian traffic for the selected ~~information~~ provider type with a determined peak pedestrian traffic for the user's site.

Reasons for Allowance

7. Claims 1 and 3-30 are allowed as amended above.

The following is an examiner's statement of reasons for allowance:

The closest prior arts of record issued to Conrad et al. (US 5465115 A), Fox et al. (US 5832456 A) and Sneeringer (US 6618709 B1) together fail to teach or suggest "a pedestrian traffic indexing system comprising: a plurality of traffic monitors at a plurality of provider sites; a server connected to said traffic monitors to receive pedestrian traffic data from said traffic monitors, the pedestrian traffic data comprising pedestrian traffic data from the provider sites; a traffic database for storing said pedestrian traffic data; a database for storing non-traffic business related data wherein the non-traffic business related data comprises census demographics data, sales data, site profiles associated with the provider sites, and corporate profiles including labor data; a view creator for generating national retail traffic index data by processing data stored in the traffic database and the database for storing non-traffic related data, wherein the national retail traffic index data includes a plurality of calculated indexes related to the provider sites, the indexes calculated using a plurality of metrics with each metric related to the plurality of provider sites and based upon both the pedestrian traffic data and the non-traffic business related data; a national retail traffic index data mart for storing the national retail traffic index data; and a data communications connection for transferring data among the traffic database, the at least one database for storing non-traffic related data, the view creator, the national retail traffic index database and the server wherein a user can access the national retail traffic index data mart via the data communications connection to access the national retail traffic index data" in combination with all the elements of each independent claim as argued by Applicant [See last

paragraph on page 13 to 1st paragraph on page 14, last paragraph on page 14 to 4th paragraph on page 15 and last paragraph on page 15 to last paragraph on page 16 of Applicant's Remarks filed on 01/31/2008]. Applicant argues that the prior art does not disclose or suggest "calculating a national retail traffic index data based upon pedestrian traffic data and non-traffic business related data and making it available to users via a data mart". This argument is considered persuasive in light of the additional claim language changes, particularly the limitations of "wherein the non-traffic business related data comprises census demographics data, sales data, site profiles associated with the provider sites, and corporate profiles including labor data" as per Examiner's Amendment above as well as the enabling portions of applicant's original specification.

The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims as well as for the further limitations set forth. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the statu9s of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/P. A. S./
Examiner, Art Unit 2144

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144